



Defense Institute of Security Assistance Management

International Programs Security



Objectives

- **International Visits**
- **International Transfers**
- **Defense Security Service (DSS)**
- **Foreign Government and NATO Classified Information**
- **CFIUS and FOCI**



Defense Institute of Security Assistance Management

International Visits & Assignments



International Visits

- **International Visits Program (IVP)**
- **Defense Personnel Exchange Program (DPEP)**
- **Foreign Liaison Officer (FLO) Program**
- **Cooperative Program Personnel**



**“OK, folks,
today we
tour the
highly
classified,
top secret
areas of
our
Defense
Departmen**

**“JAKE”
SCHUFFERT**



International Visits Program (IVP)

- **Controls and facilitates visits by foreigners to DoD and contractor facilities**
- **Covers visits by DoD personnel and US contractors to foreign countries**
- **Uses automated system for processing requests through Defense Visit Offices (DVOs)**
- **Reference is DoDD 5230.20, *“Visits, Assignments and Exchanges of Foreign Nationals”***



Purposes of Visit Requests

- **Facilitate administration (scheduling)**
- **Authorize disclosure / export**
- **Provide security assurance (if classified - clearance, Need To Know, government sponsorship)**





Types of Visits

- **One-time** (single; usually less than 30 days; for a specific purpose)
- **Extended** (single; up to one year; supports government approved program or contract)
- **Recurring** (intermittent; up to one year; supports government approved program or contract)

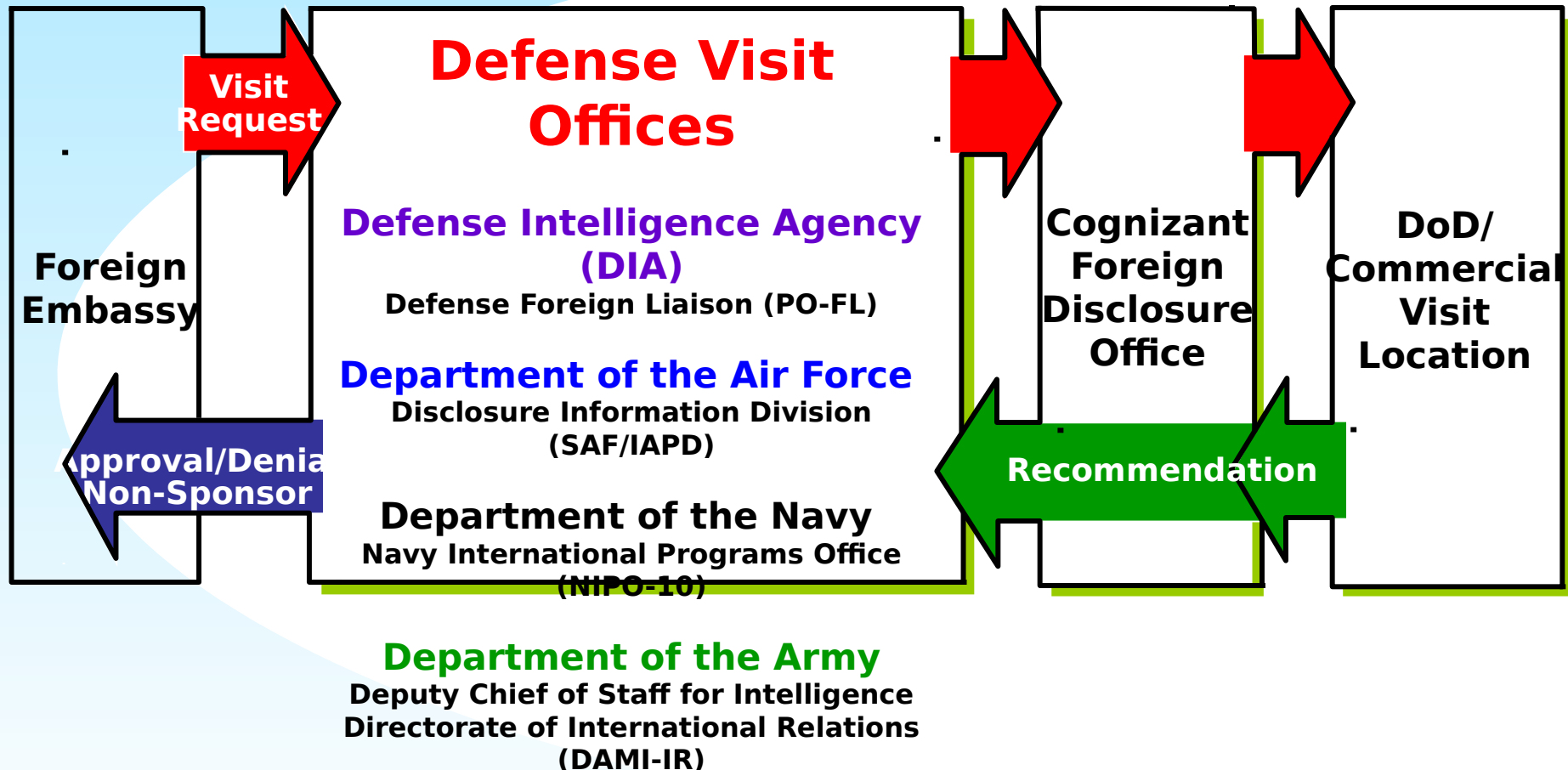


Foreign Visitor to DoD or Contractor

- **Embassy of foreign visitor submits Request for Visit Authorization (RVA) to appropriate Defense Visit Office (DVO)**
- **Each Military Dept has a DVO**
- **Defense Intelligence Agency is the DVO for OSD, Joint Staff, Defense Agencies and contractors**



Visit Request Process





RVAs not Necessary - Contractor

- **Unclassified info is not subject to export controls (Public Domain info)**
- **Unclassified info for which contractor has export license / no contract requirement; visit has no direct impact on DoD activities**
- **Visitor is foreign national employee of US contractor (NISPOM Chapter 6)**



RVAs not Necessary - DoD

Facility or event is open to public.





Other Visit Request Processes

- **Hosted Visits - DoD invites foreign national; worked through appropriate DVO**
- **Emergency Visits - legitimate purposes only; no amendments**
- **Amendments - change to LATER date and / or list of visitors; NO change to purpose or information**



Assignment of Foreign Nationals

- **Foreign Liaison Officers - represent their governments.**
- **Exchange Officers - work for US supervisor, but not “integrated.”**
- **Can’t be both.**



Assignments of US Personnel & Foreign Nationals

- **Defense Personnel Exchange Programs:**
 - **Military Personnel Exchange Program (MPEP)**
 - **Engineer and Scientist Exchange Program (ESEP)**
 - **Administrative Personnel Exchange Program (APEP)**
 - **Defense Intelligence Personnel Exchange Program (DIPEP)**



Defense Personnel Exchange Programs

- **Cannot substitute for FLO**
- **Not a conduit for exchange of tech data**
- **Cannot be assigned to positions requiring access to information not available to the parent nation**
- **Cannot be assigned to contractor facilities**



Defense Personnel Exchange Programs

- **Will not be given Security responsibilities**
- **No permanent custody of classified or controlled unclassified information**
- **No uncontrolled access to libraries, document catalogs or U.S. government computer systems unless the information is releasable to the public**
- **No uncontrolled access to restricted areas**



DoD Personnel to Foreign Government / Contractor

- **Policy - DoDD 4500.54, “Official Temporary Duty Travel Abroad”, and DoD 4500.54-G, “Foreign Clearance Guide (FCG)”**
- **DoD component appoints responsible official and follows FCG**
- **All CMI and CUI to be taken to the foreign country must be cleared IAW DoDD 5230.11 and DOD 5200.1-R.**
- **Normally 30 days advance notice, but may be longer depending on the country to be visited.**



DoD Personnel to Foreign Government / Contractor

- **Theater Clearance - visits to a US military facility overseas**
- **Country Clearance - visits to a host government or contractor facility for classified discussions approved by host government**



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International Transfers



Government to Government Principle

The 2 activities associated with International Programs that are based on the “government to government” principle:

- **Disclosure/Export decisions**
- **Transfers** of classified information and material is Government to Government

2



Government to Government Transfer

- **Through official government channels or channels approved by the responsible governments**
- **Government accountability and control maintained until custody is officially transferred and recipient government assumes responsibility**
- **Designated Government Representatives (DGR)**
- **Security assurance**



International Transfers of Classified Material

- **U.S. Government control & accountability until officially transferred to the recipient government- even if title has transferred**
- **Transfer must be by government-to-government channels, or other channels mutually agreed by governments.**
 - **Military Postal System**
 - **DoS Diplomatic Pouch Service**
 - **Defense Courier Service**
 - **Other official Government courier (including recipient government)**



International Transfers of Classified Material

- **Contractor transfer arrangements require:
Designated Government Representatives
(DGRs)**
 - **Foreign DGR appointed by his/her
government**
 - **U.S. DGR must be a Government employee,
usually Defense Security Service (DSS) or
Defense Contract Management Agency
(DCMA) representative**



International Transfers of Classified Material

- **Written instructions required:**
 - **Non-Government Transportation: Transportation Plan required**
 - **Government Transportation: Written Instructions (same detail as Transportation Plan)**
- **Receipt required for all classified material.**
 - **Exception - Foreign Government Restricted info (like FOUO)**
- **Top secret always through government courier or government approved electronic communications.**



Delivery of Classified Material to Foreign Customer Within the U.S.

- **Hand carry by DoD - confidential and secret material (per *DoD Regulation 5200.1-R, Information Security Program*)**
- **Hand carry by contractor- confidential and secret (per *National Industrial Security Program Operating Manual (NISPOM)*)**
- **U.S. Postal Service registered mail or**
- **U.S. Government Courier Service**



Delivery of Classified Material to Foreign Customer Outside the U.S.

- **U.S. Military Postal Service registered mail**
- **Diplomatic pouch**
- **U.S. Government Courier Service to a U.S. Government activity for delivery to recipient foreign government**
- **Hand Carry by U.S Government employee**
- **Hand Carry by Contractor, by complying with**
 - **MISWG document #1**
 - **NISPOM**
 - **Approved by Cognizant Security Office (DSS)**



Unsuitable for Courier or Hand Carry (Freight)

- **FMS - Shipped via Defense Transportation System (DTS)**
 - **DoD executing agency provides shipping instructions in collaboration with purchaser**
 - **Component regulation provides most instructions**
 - **Supplementary guidance**
 - **e.g. freight forwarders, carrier, routes, etc.**
- **FMS - DTS Not Used**
 - **Transportation plan required**
 - **Compliance with NISPOM, and MISWG #10**



Freight Forwarders Handling Classified Material

- **Freight forwarder must be cleared by Defense Security Service (DSS)**
- **Must be under contract to:**
 - **U.S. Government agency**
 - **U.S. contractor, or**
 - **Recipient foreign government**
- **Freight forwarder must be identified in the signed LOA for FMS or in the license application for DCS**



DEFENSE SECURITY SERVICE (DSS)



**Role in
International Programs**



DSS Principal Missions

Industrial Security Program

***Personnel Security
Investigations Program**

Security Training

***Moving to OPM**



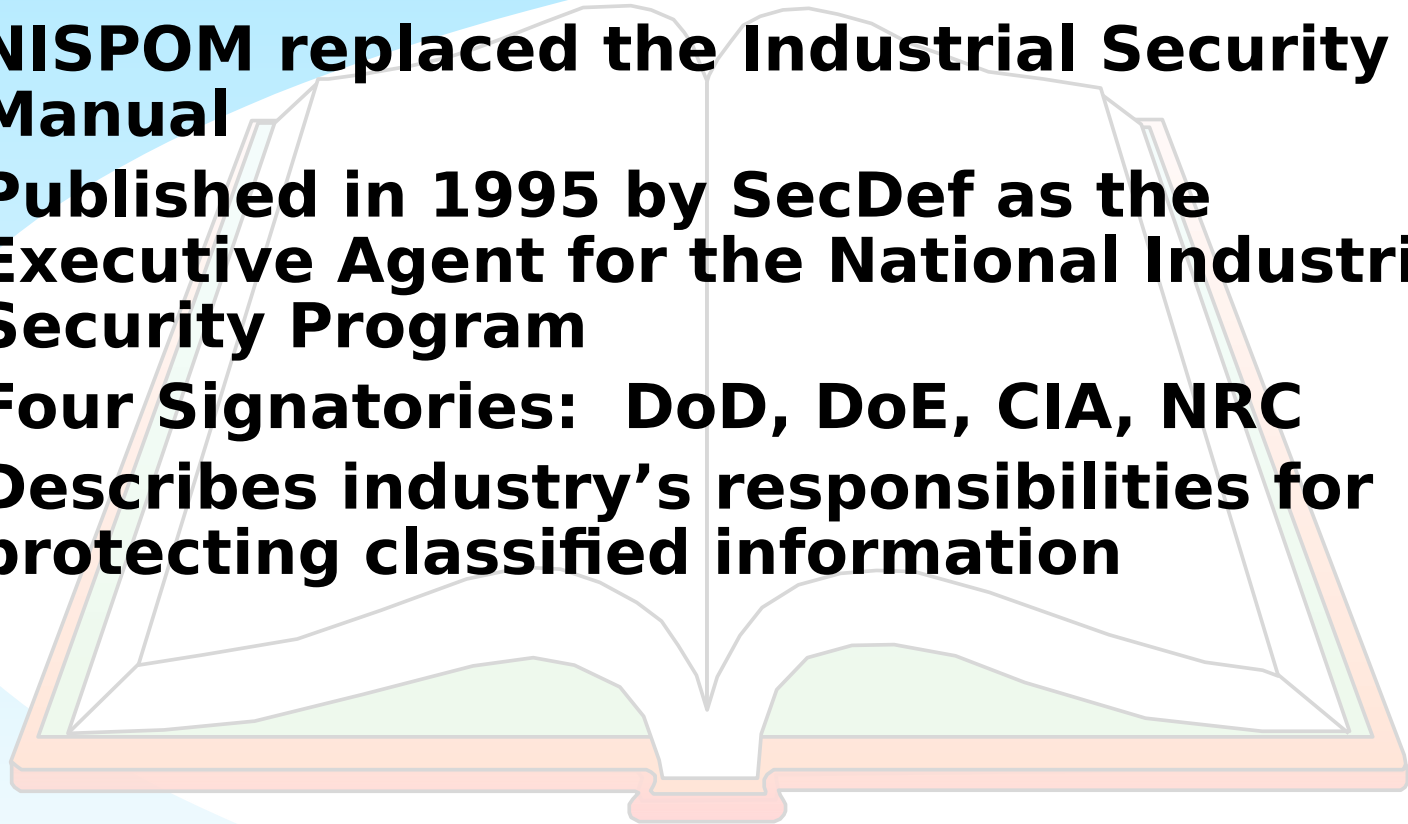
Defense Security Service Industrial Security Mission

- **Administers the National Industrial Security Program (NISP) on behalf of USD (I)**
- **Provides Government Contracting Agencies (GCAs) with assurance that the contractor is both eligible to access and has a system in place to properly safeguard any classified information for which it is entrusted**



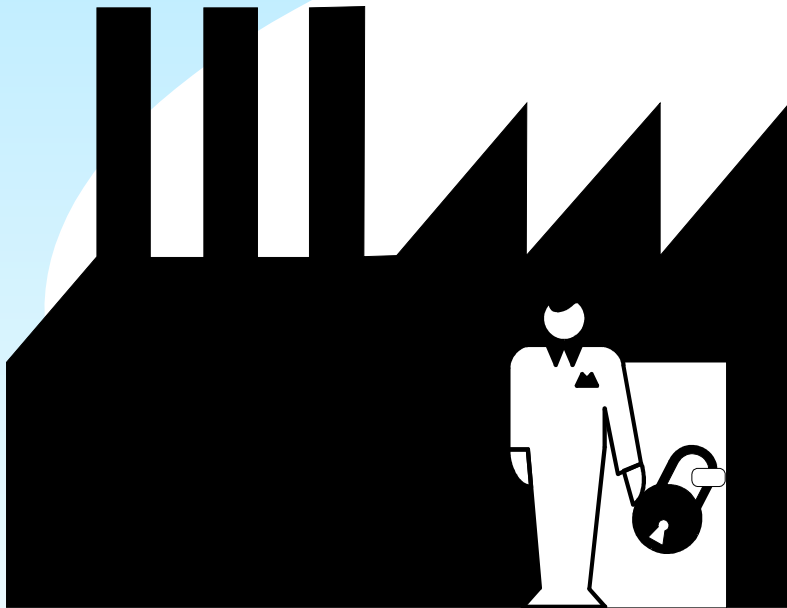
National Industrial Security Program Operating Manual (NISPOM)

- **NISPOM replaced the Industrial Security Manual**
- **Published in 1995 by SecDef as the Executive Agent for the National Industrial Security Program**
- **Four Signatories: DoD, DoE, CIA, NRC**
- **Describes industry's responsibilities for protecting classified information**





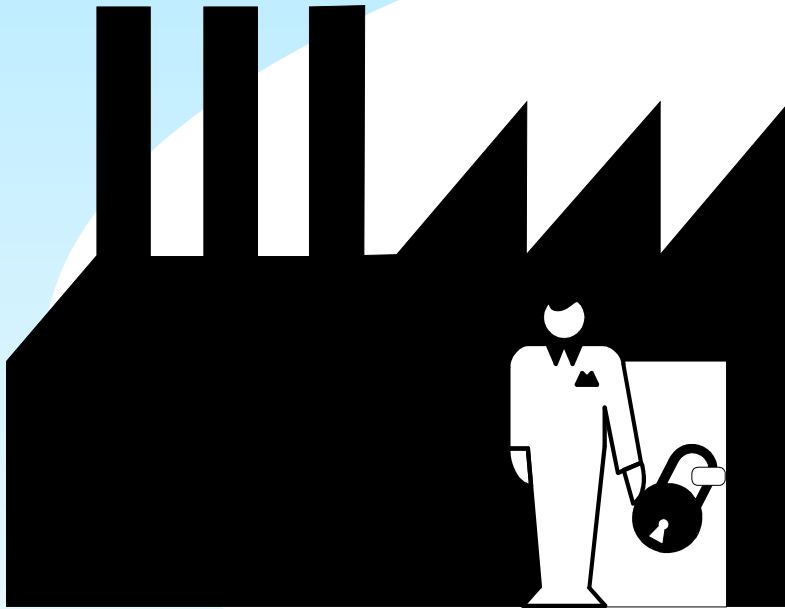
Industrial Security Objectives:



- ◆ **Deter and/or detect unauthorized access to classified information in industry**
- ◆ **Counter the threat posed by traditional adversaries and others who target U.S. classified information in industry**



Industry Participation in NISP:



- ◆ **Access to classified information**
- ◆ **Sponsorship**
- ◆ **Facility Security Clearance (FCL)**
- ◆ **Compliance with the NISP Operating Manual (NISPOM)**



Essential Elements of an FCL



- **Sponsorship**
- **Organizational Structure**
 - **Key Management Personnel**
 - **Foreign Ownership Control or Influence (FOCI)**
- **Personnel Clearances**
- **Storage Capability**
- **Security Agreement**



Authority For The DSS Role

- **AECA/ITAR - export security requirements**
- **Industrial Security Annexes - U.S. implementing agency**
- **NATO security regs**
- **NISPOM - DSS maintains oversight - assures compliance at cleared facilities**





DSS International Products and Services

- **AECA license validation (classified)**
- **Foreign visitors/employees and Technology Control Plans (TCP)**
- **Review/approval of classified information transfers**
- **Facility/personnel clearances**
- **Monitor security compliance**
- **Program Protection Planning**
- **Overseas operations**
- **Counter Intelligence (CI) Security Awareness and Training**

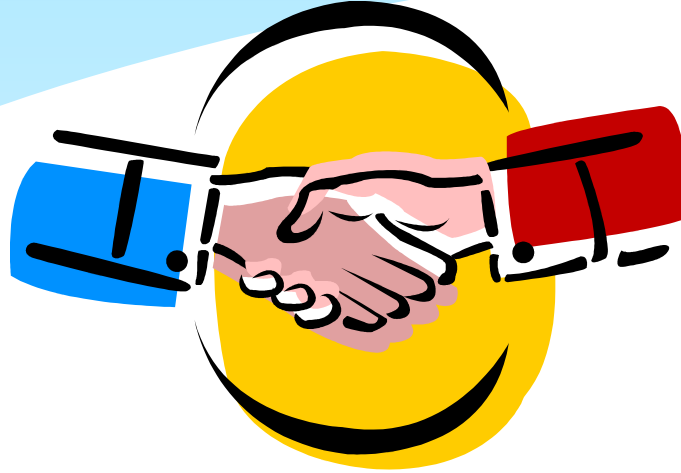


Technology Control Plan

- **Identifies what is to be protected**
- **Controls access**
- **Controls equipment**
- **Requires training plan for employees**
- **Indoctrinates foreign personnel**
- **Identifies program monitor**



Government - to - Government Transmissions & Transfers



- **Require valid export licenses**
- **Require compliance with approved
Transportation Plans**



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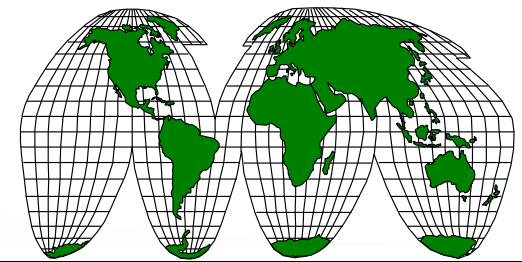
- **Access Control Measures**
 - **Physical protection**
 - **Make the foreign national visible**





Overseas Operations

- **NISPOM; Chapter 10**
- **Contractor Overseas Operations**
 - **Assignment of Foreign Nationals**
 - **Storage**
 - **Employee assignment notification and briefings**
- **Defense Industrial Security Clearance Office (DISCO)**
- **Office of Security Services International (OSSI)**



DSS

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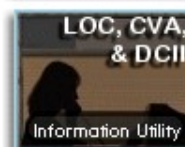
[Employment](#)

[Fingerprint Processing](#)



News Flash!

- [Contractors May Now Fax Releases With EPSQs](#)
- [New DSSA Level 1 Antiterrorism Awareness Training](#)



Please read the [Security and Privacy](#) and [508 Accessibility](#) Notice



Internet



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Foreign Government & NATO Information



Foreign Government Information (FGI)

- **Is provided by a foreign government or international organization, or is jointly produced**
- **Foreign owner expects that the information will be held “in confidence”**



FGI Markings

- **Generally parallel US security classification (TOP SECRET, SECRET, CONFIDENTIAL)**
- **Some have fourth level (RESTRICTED or CUI provided “in confidence”)**
 - **Marked to identify the originating government and whether it is restricted or “in confidence”**
 - **Marked “CONFIDENTIAL” Modified Handling Authorized**
- **US documents containing FGI must be marked “THIS DOCUMENT CONTAINS (country of origin) INFORMATION”**





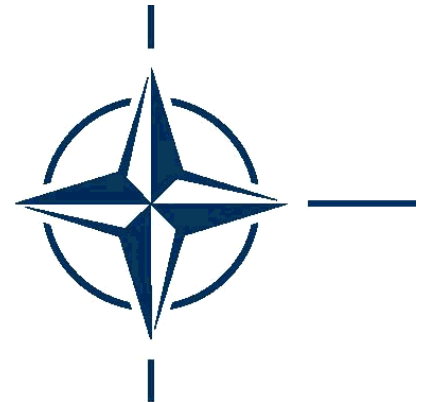
Handling FGI

- **Based on NATO standards**
- **Storage - same, but separate**
- **Access - need to know**
- **Transmittal - generally same (no commercial express), but receipts for international; originator may waive for Restricted**
- **Records - TS, S, C (receipt & dispatch)**



NATO Program

- ***Usually* commonly funded**
- **Managed by a NATO agency**
- **Governed by NATO security regulations**
- **EXAMPLE: NATO AWACS**





NATO Members

Membership (26 total):

Belgium	Hungary	Poland
Bulgaria	Iceland	Portugal
Canada	Italy	Romania
Czech Rep	Latvia	Slovakia
Denmark	Lithuania	Slovenia
Estonia	Luxembou	Spain
France	rg	Turkey
Germany	Netherlan	United
Greece	ds	Kingdom
	Norway	United
		States



NATO

Information

- **Is all information circulated within NATO, whether such information**
 - **Originates in NATO civil or military bodies**
 - **Is received from member nations**
 - **Is received from non-NATO sources**



NATO

Classifications

- **COSMIC TOP SECRET (CTS)**
- **NATO SECRET (NS)**
- **NATO CONFIDENTIAL (NC)**
- **NATO RESTRICTED (NR)**

ATOMAL identifies US Restricted Data (RD) & Formerly RD and UK ATOMIC



Disclosure of NATO Information

- **Once disclosed to NATO, it loses its U.S. identity and is marked as NATO information**
- **Thereafter, access, dissemination, and safeguarding are accomplished in accordance with NATO procedures**
- **Info remains the property of the entity that originated or furnished it**



Access requirements

- **Requisite national clearance**
- **Need-to-Know**
- **Briefing**
- **NATO organization, staff, command or agency approves of access**
- **None for Restricted**
- **Information no longer needed, debrief**





NATO Security Agreement

- **NATO members obligated to comply with NATO security procedures by virtue of signing the Security Agreement**
- **NATO security regulation C-M(2002)49**
 - **Comply with minimum standards and provide common degree of protection**
 - **US accountability less than NATO specifies; US issues separate procedures for handling NATO information**



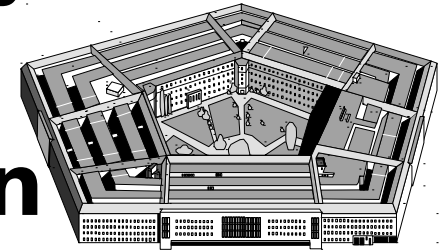
NATO Security Agreement

- **Each NATO member must appoint National Security Authority (NSA)**
 - **US Secretary of Defense Title “United States Security Authority for NATO Affairs” (USSAN)**
 - **Has responsibility to implement NATO Security Authority**
- **NATO requires main distribution point for receipt and distribution of NATO documents**
 - **Central US Registry (CUSR)**



Central US Registry (CUSR)

- **Department of the Army is Executive Agent**
- **Located in the Pentagon**
- **Establishes sub-registries and control points within other departments and agencies**
- **Accounts for COSMIC TOP SECRET, NATO SECRET and ATOMAL**





Disposition of NATO Information

- **Hand Carry**
 - **Same requirements as U.S.**
 - **NATO courier certificates and briefings required**
- **Destruction of NATO information**
 - **Same manner as U.S.**
 - **COSMIC TOP SECRET & NATO SECRET must be witnessed and recorded**
 - **Destruction records not required for NATO CONFIDENTIAL and NATO RESTRICTED information**



Multinational Industrial Security Working Group (MISWG)

- **Ad hoc group comprised of NATO countries (less Iceland) including Sweden, Switzerland and Austria, to develop standard security procedures and practices for multi-national programs.**
 - **Expanding to EU/PfP and other countries**
- **Currently 19 MISWG documents in effect**
 - **Listed in DUSD (PS) IPS Handbook**
 - **Provide base-line multilateral agreements on international security.**



MISWG Documents

- **MISWG # 1: “Arrangements for International Hand Carriage of Classified Documents, Equipment and/or Components”**
- **MISWG # 5: “Program Security Instruction”**
- **MISWG # 7: “International Visits”**
- **MISWG # 10: “Transportation Plan”**
- **MISWG # 11: “Control of Security Cleared Facilities”**
- **MISWG # 13: “Automated Data Processing (ASP) Security Plan”**
- **MISWG # 15: “International Transfer by Commercial Carriers of Classified Documents and Equipment or Components as Freight”**



***Committee on Foreign
Investment in the
U.S. (CFIUS)
Foreign Ownership,
Control, or Influence
(FOCI)***



EXON-FLORIO

1988 Amendment to Omnibus Trade and Competitiveness Act (Exon-Florio) that amends 1950 Defense Production Act:

Authorizes President to investigate and suspend or prohibit foreign acquisitions, mergers and takeovers, if a foreign interest might threaten national security by virtue of its control over a U.S. company.



EXON-FLORIO

However, the President must find:

- **Credible evidence that a foreign interest might take action to threaten or impair national security.**
- **Provisions of law, other than EXON-FLORIO and International Emergency Economic Powers Act, are not adequate to protect National Security.**



Committee on Foreign Investment in the U.S. (CFIUS)

Exon-Florio mandates

- **Mandatory investigation in the case of foreign government control**
- **Bars foreign controlled entities from entering into contracts requiring access to “proscribed information”**
- **Intelligence risk assessments if possible diversion of critical military technologies**



CFIUS Implementation

**Presidential responsibility for implementation of
Exon-Florio delegated to CFIUS**

- **Eleven general members (Treasury Chairs) but other interested departments may participate as well**
- **DoD representative is from DTSA**

DoD emphasis is on

- **Contracts involving CMI**
- **Sole Source supplier to DoD**
- **Impact on defense industrial base**

**Presidential action requires written report to
Congress**



CFIUS Membership

- **Treasury (Chair)**
- **Defense**
- **State**
- **Justice**
- **Commerce**
- **U.S. Trade Rep**
- **Council of Economic Advisors**
- **Office of Management and Budget**
- **Office of Science and Technology Policy**
- **Ass't to President for National Security Affairs**
- **Ass't to President for Economic Policy**



EXON-FLORIO Procedures

- **CFIUS has 30 days after notification to initiate investigation**
- **Investigation must be completed in 45 days**
- **President has 15 days to decide**
- **Report to Congress**



Foreign Ownership, Control or Influence (FOCI)

A foreign interest has the power to direct or decide matters affecting the management or operations of a company in a manner that may result in unauthorized access or adversely affect the performance of classified contracts.



FOCI Risk Factors

- **Foreign intelligence threat**
- **Potential for unauthorized technology transfer**
- **Past compliance with laws, regulations, & contracts**
- **Current agreements between U.S. and foreign nation**



FOCI Determination

- **If FOCI determination made:**
 - **Cancel or suspend facility clearance**
 - **Company must agree to negate or mitigate risks**
- **Company required to provide input to Defense Security Service - both parties develop plan to mitigate risks**



FOCI - Risk Negation

- **Voting Trust Agreement or Proxy Agreement**
 - **Voting rights of owners vested in U.S. citizens (approved by U.S. government)**
 - **Matters on classified & sensitive info delegated to Government Security Committee (GSC)**
 - **Technology control plan and enhanced visit procedures required**
 - **Positions requiring U.S. clearances are filled by U.S. citizens**
 - **No influence on the types of contracts that can be awarded**



FOCI - Risk Mitigation

- **Board Resolution - Mitigates risk when foreign interest does not own stock sufficient to be on board of directors**
- **Special Security Agreement - U.S. company is foreign owned or controlled**
- **Security Control Agreement - U.S. company is not majority owned by foreign interest, but controls are necessary beyond those of board of resolution**
- **Limited facility clearance - Classified access is necessary to perform a foreign government contract or joint venture**



Summary

- **Multilateral regimes**
- **Multinational Industrial Security Working Group (MISWG) Documents**
- **International Transfers**
- **Defense Security Service (DSS)**
- **Technology Control Plan (TCP)**
- **International Visits**
- **Foreign Government and NATO Classified Information**
- **CFIUS and FOCI**



Defense Institute of Security Assistance Management

International Programs Security